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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,294	12/11/2001	Jun Haneda	VN-0157US	8874

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JAPAN

EXAMINER
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SALL, EL HADJI MALICK

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/683,294

Applicant(s)

HANEDA, JUN

Examiner

El Hadji M Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

1. **DETAILED ACTION**

This action is responsive to the application filed on December 11, 2001. Claims 1-12 are pending. Claims 1-12 represent communication processing apparatus, management apparatus, computer-readable medium storing a program and communication system.

2. ***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ochiai U.S. 6,178,004.

Ochiai teaches the invention as claimed including method and apparatus for forming images (abstract).

As to claim 1, Ochiai teaches a communication processing apparatus that receives an SNMP-based command to execute said received command, comprising:

a first communication port, which is set as a management port, that receives one or more command transmitted from a management apparatus of said communication processing apparatus to said communication processing apparatus, said one or more command including a first command that is executable to change a setting of said management port and a second command (column 1, lines 47-62; column 9, lines 29-32; abstract);

a storage unit that stores said one or more command received by said first communication port (figure 2; column 5, lines 40-43, Ochiai discloses the printer set value is stored in memory 207; column 6, lines 23-26);

an execution unit that obtains said one or more command from said storage unit to execute said obtained command (column 6, lines 15-17; column 6, lines 23-33); and

a re-execution instruction unit that directs said execution unit to execute said second command after said first command that changes said setting of said management port, when said execution unit has executed said first command that changes said setting of said management port (column 6, lines 35-43; column 9, lines 38-40; abstract).

As to claim 2, Ochiai teaches a communication processing apparatus as claimed in claim 1, wherein:

said second command is received by said first communication port after said first command and is executable to set said management port of said communication processing apparatus to said first communication port (column 1, lines 45-62; abstract)

A to claims 3 and 12, Ochiai teaches a communication processing apparatus and a communication system as claimed in claims 1 and 11, further comprising:

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a second communication port connected to an external communication apparatus (figure 11);

a communication mode selecting unit that selects one communication mode of a plurality of communication modes to specify each of a plurality of communication operations of said communication processing apparatus (column 1, lines 47-54)); and

a management port selecting unit that selects said management port from one of said first communication port and said second communication port, wherein said management port selecting unit selects said first communication port as said management port (figure 5; column 4, lines 57-58);

said execution unit obtains said one or more command stored in said storage unit to execute said obtained command when said first communication port receives said one or more command including a communication mode set command that specifies a communication mode of said communication processing apparatus, a management port set command that sets said management port of said communication processing apparatus to said first communication port, and a start execution command that instructs to start sequential execution of said one or more command stored in said storage unit (column 6, lines 35-59);

said communication mode selecting unit selects said communication mode specified by said communication mode set command, when said communication mode set command is executed (column 6, lines 60-67);

said management port selecting unit selects a default management port, corresponding to said communication mode selected by said communication mode selecting unit, from said first communication port and said second communication port (column 6, lines 49-59; figure 11);

said re-execution instruction unit instructs said execution unit to execute said second command after execution of said communication mode set command (column 6, lines 39-43; abstract); and

said management port selecting unit selects said first communication port as said management port, when said management port set command is executed (column 5, lines 36-39).

As to claim 4, Ochiai teaches a communication processing apparatus as claimed in claim 3, further comprising:

an interconnecting unit that interconnects communication between said first communication port and said second communication port (column 1, lines 13-18); and

a VLAN setting unit that sets said interconnecting unit to control communication between said first communication port and said second communication port corresponding to said communication mode selected by said communication mode selecting unit (column 1, lines 19-24).

As to claim 5, Ochiai teaches a communication processing apparatus as claimed in claim 1, further comprising:

a second communication port connected to an external communication apparatus (figure 2, item 214);

an interconnecting unit that interconnects communication between said first communication port and said second communication port, wherein said execution unit obtains said one or more command stored in said storage unit to execute said obtained command when said first communication port set as said management port receives a start execution command that instructs to start sequential execution of said one or more command stored in said storage unit (figure 2, item 203; column 6, lines 15-17; column 6, lines 23-33), and

it is determined that said interconnect of said communication between said first communication port and said second communication port, received before said first communication port receives said start execution command, is completed (figure 2).

As to claim 6, Ochiai teaches a communication processing apparatus as claimed in claim 1, further comprising:

a second communication port connected to an external communication apparatus (figure 2, item 211);

an interconnecting unit that interconnects communication between said first communication port and said second communication port, wherein said execution unit delays said interconnect of said communication between said first communication port and said second communication port until execution of said one or more command stored in said storage unit is completed, when said communication between said first communication port and said second communication port is received after said first communication port set as said management port receives a start execution command that instructs to start sequential execution of said one or more command stored in said storage unit (figure 2, item 210; column 6, lines 15-17; column 6, lines 23-33).

As to claims 7 and 9, Ochiai teaches a management apparatus and a computer-readable medium storing a program for a management apparatus that transmit one or more SNMP-based command to a communication processing apparatus, said communication processing apparatus having a communication port set as a management port which receives said one or more command (column 1, lines 47-62; column 9, lines 29-32; abstract);

stores said one or more command received by said communication port for executing said stored command (figure 2; column 5, lines 40-43, Ochiai discloses the printer set value is stored in memory 207); and

executes said stored command after a previous command that changes a setting of said management port, when said previous command that changes said setting of said management port is executed (column 6, lines 35-43; abstract; figure 15; column 8, lines 40-46), said management apparatus comprising:

a generation unit that generates one or more command, including a first command that changes a setting of the management port in the communication processing apparatus and a second command that is executed after said first command, when said first command that changes a setting of the management port in the communication processing apparatus is executed (figure 2, item 202; column 5, lines 26-28; figure 15); and

a transmit unit that transmits said one or more command generated by said generation unit to the communication processing apparatus and directs the communication processing apparatus to execute said one or more command (figure 2, item 202; column 5, lines 28-32; figure 15).

As to claims 8 and 10, Ochiai teaches management apparatus and computer-readable medium storing a program as claimed in claims 7 and 9, wherein said generation unit generates said one or more command including

a communication mode set command that sets a communication mode of said communication processing apparatus (figure 3; column 2, lines 57-62),

a management set command that sets said management port of said communication processing apparatus to said communication port (column 8, lines 40-43; column 6, lines 60-67, Ochiai discloses a user accesses the printer to perform settings. It is inherent that the user is accessing the printer through a management port), and

a start execution command that instructs to start sequential execution of said one or more command (column 6, lines 27-33).

As to claim 11, Ochiai teaches a communication system comprising a communication processing apparatus that receives an SNMP-based command to execute said received command and a management apparatus transmitting said command to said communication processing apparatus, said communication processing apparatus comprising:

a first communication port, which is set as a management port, which receives one or more command transmitted from said management apparatus to said communication processing apparatus, said one or more command including a first command that is executable to change a setting of said management port and a second command (column 1, lines 47-62; column 9, lines 29-32; abstract);



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a storage unit that stores said one or more command received by said first communication port (figure 2; column 5, lines 40-43, Ochiai discloses the printer set value is stored in memory 207; column 6, lines 23-26);

an execution unit that obtains said one or more command from said storage unit to execute said obtained command (column 6, lines 15-17; column 6, lines 23-33); and

a re-execution instruction unit that makes said execution unit execute said second command after said first command that changes a setting of said management port, when said execution unit executes said first command that changes said setting of said management port, said management apparatus (column 6, lines 35-43; column 9, lines 38-40; abstract), comprising:

a generation unit that generates said one or more command including said first command that changes said setting of said management port in said communication processing apparatus and said second command (figure 2, item 202; column 5, lines 26-28; figure 15); and

a transmit unit that transmits said one or more command generated by said generation unit to said communication processing apparatus and directs said communication processing apparatus to execute said one or more command (figure 2, item 202; column 5, lines 28-32; figure 15).

#### **4. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4010.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157



**SALEH NAJJAR**  
**PRIMARY EXAMINER**